The Mysore Gazette.

Vol. 48.] PUBLISHED BY AUTHORITY. [No. 22.

BANGALORE, THURSDAY, MAY 29, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 78—*L. C., dated* 28*th April* 1913.

Under Rule 31 of the Rules for the conduct of business of the Legislative Council, the following Bill to consolidate and amend the law regulating labour in factories is published for general information with a statement of objects and reasons:—

By Order,

S. P. RAJAGOPALACHARI,

Secretary, Mysore Legislative Council.

The Mysore Factories Bill.

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SCHEDULES.

A Bill to consolidate and amend the law regulating labour in factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Factories Regulation.

Short title, commencement and extent.

(2) It shall come into force on.....
.....; and

(3) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "child" means a person who is under the age of fourteen years:

"Child."

(2) a person who works in a factory, whether for wages or not,—

"Employed."

(*a*) in a manufacturing process or handicraft, or

(*b*) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(*c*) in cleaning or oiling any part of the machinery, or

(*d*) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein:

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport:

(3) "factory" means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article:

"Factory."

(4) "inspector" includes an additional inspector:

"Inspector."

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process:

"Mill-gearing."

(6) "occupier" includes a managing agent or other person authorised to represent the occupier:

"Occupier."

(7) "prescribed" means prescribed by this Regulation or by rules made thereunder:

"Prescribed."

(8) "system of shifts" means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

"System of shifts."

(9) "textile factory" means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoanut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

"Textile factory."

Provided that the term "textile factory" shall not be deemed to include the following factories, namely:— cloth-printing works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

3. (1) Nothing in the following chapters shall apply to—

Application of Act.

(*a*) any mine subject to the operation of the Mysore Mines Regulation, 1906, or

(*b*) any electrical generating or transforming station, or

(*c*) any factory situated on and used solely forthe purposes of a tea or coffee plantation, or

(*d*) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed:

Provided that the Government may, by notification in the official Gazette, apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Regulation which would, save for clause (*d*) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and Sections 35 and 36 shall not, unless the Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room, in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

4. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Regulation.

(4) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Regulation within such local limits as it may assign to them respectively.

(5) In any area where there are more inspectors than one, the Government may, by notification as aforesaid, declare the powers which such inspectors shall respectively exercise, and the inspector to whom the prescribed notices are to be sent.

(6) Every inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Government may indicate in this behalf.

Powers of inspector.

5. Subject to any rules in this behalf, an inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory:

(*b*) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation;

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons.

6. The Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

Grant of certificate.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

Delegation of certifying surgeon's functions.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by Sec-

tion 7 and

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

HEALTH AND SAFETY.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

(*a*) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance ;

(*b*) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;

(*c*) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

Purity of water used for humidifying.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

Provision of latrines and urinal accommodation.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Government so requires, with separate urinal accommodation for the persons employed in the factory:

Provided that the inspector may, subject to such conditions as the Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

Water-supply.

14. In every factory, there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

Doors of factory to open outwards.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

Provision of means for escape in case of fire.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

Precautions against fire.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Fencing.

18. (1) (*a*) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

(*b*) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(*c*) every part of the machinery which the Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

Prohibition of employment of women and children in certain dangerous work.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children where cotton openers are at work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

HOURS OF EMPLOYMENT AND HOLIDAYS.

Periodical stoppage of work.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

(2) Nothing in sub-section (1) shall apply to—

(*a*) any work performed by any person while employed in accordance with a system of shifts approved by the inspector, or

(*b*) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(*c*) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works, or

(*d*) any work mentioned in Part A or in Part B of Schedule 1, or

(*e*) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part C of the said Schedule

special circumstances of the trade carried on therein, an uninterrupted working day, the Government may, by notification in the official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature described in such class of factories,

in case (*c*), such class of factories,

from the provisions of sub-section (1) on such conditions, if any, as it may impose.

Weekly holiday.

22. (1) No person shall be employed in any factory on a Sunday, unless—

(*a*) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, and

(*b*) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in Section 36.

(2) Nothing in sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works.

(3) Nothing in sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule I or in Part A of Schedule II or to any factory specified in Part B of Schedue II.

(4) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part A of Schedule II any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part B of Schedule II supplies the public with articles of prime necessity which must be made or supplied every day, or

(*d*) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces,

the Government may, by notification in the official Gazette, exempt,—

in case (*a*), such class of work,
in case (*b*), work of the nature described in such class of factories, and
in cases (*c*) and (*d*), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply:—

(*a*) no child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate;

(*b*) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*c*) no child shall be employed in any factory for more than seven hours in any one day.

Employment of women.

24. With respect to the employment of women in factories the following provisions shall apply:—

(*a*) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*b*) no woman shall be employed in any factory for more than eleven hours in any one day.

Prohibition of employment of woman or child in two factories on same day.

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Hours of employment of women and children to be fixed.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Exception to provisions relating to employment of wo-

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing

number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

CHAPTER V.

SPECIAL PROVISIONS FOR TEXTILE FACTORIES.

Limitation of hours of work.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limits between which a person may be employed.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

Exceptions from Sections 28 and 29.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

(*a*) the work of calendering, finishing, sewing or tailoring, or

(*b*) the work of cloth-printing, bleaching or dyeing, or

(*c*) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by notification in the official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as it may impose.

Limit of use of machinery.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under sub-section (2) of the same section.

Limitation of hours of children.

32. No child shall be employed in any textile factory for more than six hours in any one day.

CHAPTER VI.

NOTICES AND REGISTERS.

Person occupying factory to give notice.

33. (1) Every person occupying a factory shall,—

(*a*) in the case of existing factories, within one month after the commencement of this Regulation, or

(*b*) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory,

send to the inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

Notice to be given of accident.

34. When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Register of children.

35. In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Affixing of abstract and notices.

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Regulation and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely :—

(*a*) the time of beginning and ending work on each day ;

(*b*) the periods during which all work is discontinued under Section 21 ;

(*c*) the hours of beginning and ending work for each shift (if any) ; and

(*d*) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the rules made thereunder, shall apply to any seasonal factory.

CHAPTER VII.

RULES.

Power to make rules.

37. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the inspection of factories;

(*b*) the manner in which inspectors are to exercise the powers conferred on them by this Regulation ;

(*c*) the duties to be performed by certifying surgeons;

(*d*) the form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate;

(*e*) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;

(*f*) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;

(*g*) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(*h*) standards of latrine and urinal accommodation ;

(*i*) standards of water-supply ;

(*j*) the parts of the machinery to be kept fenced in accordance with Section 18, sub-section (1), clause (*c*), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;

(*k*) the form of the notice prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(*l*) the form of the register precribed by Section 35;

(*m*) the abstracts of the Regulation and of the rules required by Section 36;

(*n*) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(*o*) the manner of service of notices and orders upon occupiers or managers of factories.

Returns.

38. The Government may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in its opinion be necessary for the effectual carrying out of this Regulation.

Prior publication of rules.

39. (1) The power to make rules conferred by Section 37, except clauses (*k*), (*l*) and (*m*) of sub-section (2) thereof, and by Section 38 is subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Regulation, 1899, as that after which a draft of rules proposed to be made under Sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

Commencement of rules.

40. Rules made under this chapter shall be published in the official Gazette and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Penalties.

41. If in any factory—

(*a*) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(*b*) any of the provisions of Section 9 are not complied with;

(*c*) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(*d*) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(*e*) any door is constructed in contra-
ntion of Section 15;

(*f*) any of the provisions of Section
ub-sections (1), (3) and (4), regarding
ng and the protection from danger of
s employed in attending to the
nery or boilers are not complied

any order of an inspector under
10, Section 11, Section 12, Section
etion 18 is not complied with;

(*h*) the register prescribed by Section 35 is not kept up to date;

(*i*) any of the provisions of Section 36 are not complied with;

(*j*) any notice or return required by this Regulation or by rules made thereunder to be furnished is not furnished; the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees:

Provided that in cases where an appeal is allowed by Section 50 no prosecution under clause (*g*) of this section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

Exemption of occupier or manager from liability in certain cases.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against

the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalties for certain offences.

43. Any person who—

(*a*) wilfully obstructs an inspector in the exercise of any power under Section 5, or fails to produce on demand by an inspector any registers or other documents kept in pursuance of this Regulation or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(*b*) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of Section 17; or

(*c*) does or omits to do any other act prohibited or prescribed by this Regulation or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees.

Using false certificate.

44. Any person who knowingly uses or attempts to use, as a certificate granted to himself under Section 7 or Section 8, a certificate granted to another person under either of those sections, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Limit to penalty in case of repetition of offence.

45. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Regulation for the offence, except—

(*a*) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(*b*) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Regulation.

[illegible]option as to [illegible]nt.

If a child over the age of six years is found inside any room or part of a factory in which room or [illegible]ldren are employed and in which [illegible]ufacturing process or work incidental to any manufacturing process is

being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Evidence as to age.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

Cognizance of offences.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, clause (*b*), shall be instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order thereunder, other than an offence against Section 43, clause (*b*).

Limitation of prosecutions.

49. No Court shall take cognizance of any offence against this Regulation or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

Appeals.

50. (1) Any person on whom an order under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if

required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

Computation of hours of employment.

51. In computing the hours referred to in Section 23, clause (*c*), Section 24, clause (*b*), Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

52. The Government may, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Regulation be treated as if they were separate factories.

Application to Government factories.

53. This Regulation shall apply to factories belonging to the Government.

Power to exempt ...om Regulation.

54. In the case of any public emergency, the Government may, by an order in writing, exempt any ...tory from this Regulation to such ...nt and during such period as it ...ks fit.

...ction to per... ...ting under ...on.

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or in

Repeal and savings.

56. The Mysore Factories Regulation, 1892, is hereby repealed:

Provided that all appointments made and all certificates given under the said Regulation shall be deemed to have been made or given under this Regulation.

SCHEDULE I.

(*See Sections* 21, 22, 30.)

PART A.

[*See Sections* 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

(*a*) Work by the supervising staff, clerks, watchmen or messengers;

(*b*) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;

(*c*) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories;

(*d*) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing";

(*e*) work on the processess of packing, bundling or baling of finished articles or the receiving or despatching of goods.

PART B.

[*See Section* 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.

Oil refineries.
Oil mills.
Cement works.
Cloth-printing works.
Bleaching and dyeing works.
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART C.

[*See Section* 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY:—

Flour mills.
Rice mills.
Letter-press printing works.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor stations.
Water works or water-supply pumping stations.

SCHEDULE II.

(*See Section* 22.)

PART A.

[*See Section* 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART B.

[*See Section* 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY :—

Ice factories.
Dairies.
Bakeries.
Gas works.
Air-compressor stations.
Water works or water-supply pumping stations.

Statement of Objects and Reasons.

The Mysore Factories Regulation was passed so far back as 1892. In British India the law relating to factories was revised in 1911 and a new Act was passed embodying several salutary provisions about the health and safety of persons employed in factories and the period of their employment therein.

It is considered desirable that the law in the Mysore State should be brought into line with that obtaining in British India. With this object this Bill has been prepared on the lines of the British Indian Act of 1911.

———

REGULATION No. I OF 1913.

The Mysore Emigration Regulation.

(*Received the assent of His Highness the Maharaja on the 13th day of May 1913.*)

Preamble.

WHEREAS it is expedient to regulate the emigration of minors and other persons beyond the limits of Mysore for labour ; His Highness the Maharaja is pleased to enact as follows :—

Title and extent.

1. This Regulation may be called "The Mysore Emigration Regulation, 1913." It extends to the whole of Mysore.

2. Definitions—

"Emigrate and Emigration."

(*a*) "Emigrate and Emigration" denote the departure out of Mysore of a native of Mysore under an agreement to labour for hire in some country beyond the limits of Mysore.

"Emigrant."

(*b*) "Emigrant" means any native of Mysore who emigrates or has emigrated, and includes any dependent of an emigrant.

"Dependent."

(*c*) "Dependent" means any of the following persons accompanying an emigrant, namely,—

any woman who has not entered into an agreement to emigrate ; any child in whose name and on whose behalf any such agreement has not been entered into and any aged or incapacitated relative or friend.

"Labour."

(*d*) "Labour" means unskilled labour and does not include domestic personal service.

"Recruiter."

(*e*) "Recruiter" includes a head recruiter or other person who collects receives emigrants recruited by other persons.

Countries to which emigration is permitted.

3. Emigration to places outside India and Ceylon shall be lawful countries to which the Governor-General of Council has permitted emigration or to which not prohibited emigration from British Ind

[illegible] in force in British India.

4. (1) In cases in which a license shall be required for recruiting in British, India under any law for the time being in force there, no person shall, without such a license granted by a Protector of Emigrants under Section 16 of the Indian Emigration Act (XVII of 1908,)—

Recruitment under a license.

(*a*) enter into or attempt to enter into any agreement with any person purporting to bind him to emigrate, or

(*b*) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(*c*) act or be employed in any other respect as a recruiter of emigrants.

(2) Every recruiter required to have such a license shall produce it when called upon to do so by any Magistrate or officer in charge of a Police Station.

5. Any District Magistrate may, after recording reasons therefor, endorse upon such a license that it should not be valid within the limits of his jurisdiction, and thereafter it shall be unlawful for any person to recruit coolies on the strength of such license.

Power of District Magistrates to terminate the license.

6. A recruiter shall give a true copy in the Kannada language of the statement of the terms of the agreement that he is authorised to offer to intending emigrants under the provisions of Section 22 (1) of the Indian Emigration Act (XVII of 1908) to every person whom he invites to emigrate, and shall when called upon to do so produce the statement for the information of any Magistrate or officer in charge of a Police Station.

Recruiter to supply copy of the terms of agreement he is authorised to offer.

7. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrant or emigrants as may be collected by him pending their removal out of Mysore.

Accommodation to be provided by recruiters.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate or such other Magistrate or Police officer as may be authorised under rules framed by Government shall have, for the supervision and regulation of the places in which accommodation is provided under this section, the same powers as are conferred on a Protector of Emigrants in British India in respect of depots at the port of embarkation under the provisions of the Indian Emigration Act (XVII of 1908).

(4) All recruiters or other persons in charge of these places shall afford every Magistrate or other officer authorised under this section every facility for visiting and inspecting them.

8. (*a*) The Government may, whenever it deems necessary, prohibit altogether emigration to any place outside Mysore, and may withdraw such prohibition.

Power of Government to prohibit emigration.

(*b*) Government may also by notification in the Gazette prescribe that no recruitment shall take place to any place outside Mysore unless under licenses obtained in accordance with rules framed for the purpose, and thereupon the provisions of Sections 4 and 5 shall, *mutatis mutandis*, apply to recruitment for emigration to the said place.

9. No person below the age of eighteen shall be taken out of Mysore as an emigrant except under a written agreement duly executed and attested in accordance with rules to be framed by Government, entered into with his legal guardian, or where there is no such guardian, under the written permission of the Magistrate of the District from which the minor person intends to emigrate.

Minor emigrants.

10. No married woman shall be taken out of Mysore as an emigrant without the consent of her husband (when he does not go with her) taken in writing and attested under rules framed by Government on this behalf, or without the written permission of a District Magistrate.

[illegible]ale emigrants.

Unlawful recruitment.

11. (1) Whoever, except in conformity with the provisions of this Regulation or of any rules framed thereunder, or in contravention of any prohibition issued under Section 8 of this Regulation,

(*a*) makes or attempts to make any agreement with any native of Mysore purporting to bind him to emigrate,

(*b*) in consideration of any hire or reward, induces or attempts to induce any native of Mysore to leave any place for the purpose of emigrating, or is employed as a recruiter of emigrants,

(*c*) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Regulation or rules made under this Regulation, any person with a view to his being registered or despatched as an emigrant,

shall be punishable with a fine which may extend to Rs. 500.

(2) If a person other than a person authorised under Section 4 of this Regulation commits an offence under this section, any Police officer may arrest him without a warrant.

Punishment for failing to give an emigrant a copy of agreement referred to in Section 6 or produce the same before a Magistrate or Police officer.

12. A recruiter, who in contravention of Section 6 fails to give a copy of the statement therein referred to, to any person whom he invites to emigrate, or to produce the statement for the information of a Magistrate or Police officer, shall be punishable with fine which may extend to one hundred rupees.

Fraudulently inducing emigration.

13. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any native of Mysore to emigrate, or to enter into an agreement to emigrate, or to leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Prohibition of certain persons from acting as recruiters.

14. The Government may prohibit any person who has been once convicted of an offence under this Regulation or the rules framed thereunder or for any offence connected with recruitment of labourers under any other law in force, from acting thereafter as a recruiter of emigrants or doing anything to aid or induce any person to emigrate.

Power of Government to make rules.

15. The Government may, by notification in the official Gazette, make rules consistent with this Regulation,—

(*a*) to provide for the supervision and regulation of places of accommodation provided for emigrants;

(*b*) to prescribe forms of registers to be kept and returns and information to be supplied by recruiters under this Regulation;

(*c*) to provide for the execution, registration and attestation of agreements entered into with or on behalf of persons intending to emigrate;

(*d*) to regulate the discretion of the District Magistrate to give or withhold permission under Sections 9 and 10 of the Regulation; and

(*e*) generally to provide for the security, well-being and protection of emigrants.

Punishment for breach of rules.

16. The Government may, for any breach of such rules not falling within the provisions of this Regulation or any other law in force, provide for a punishment not exceeding a fine of one hundred rupees.

M. VISVESVARAYA,

Dewa